HIGH COURT OF CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

WRIT APPEAL NO. 57 OF 2007

APPELLANTS

1) State of M.P (Now CG) through Secretary, Aadhivasi Vikas Vallabh Bhawan, Bhopal (MP) Now State of CG through Secretary, Tribal Welfare Department, D.K.S. Bhawan, Mantralaya, Raipur, Cg.

2) Collector, Adhim Jati Kalyan Branch, District Raigarh, CG.

3) Assistant Commissioner, Adhivasi Vikas Tribal, Raigarh, CG

4) Commissioner, Aadhivasi Vikas (MP) Bhopal, (MP) Now Raipur, CG.

VERSUS

RESPONDENTS

1) Manmohan Patel, s/o, Shri Nand Ram Patel, Pre Metric, Adiwasi Baiak, Chatrawas, Dist. Raigarh, CG.

2) Mehttar Das, s/o. Shri Sikhdeo Mahanta, r/o. village Qurda, Tehsil Kharsiya, Dist. Raigarh, CG.

3) Changrulal Ajay, s/o. Shri Tula Ram, r/o. Village Gumrdee, Post Khotri, Tehsil Sarangarh, Dist. Raigarh, CG.

4) Dhanenshwar Ratrey, s/o. Shri Nankiram Ratrey, villagte Businbehra, Post Khotri, Tehsil Sarangarh, District Raigarh, CG.

5) Smt. Belmatri Mehar, w/o. Shri Manohar Mehar, r/o. Village Jhamogaon, Tehsil & Dist. Raigarh, CG.

6) Shankar Singh, S./o. Shri Duriyodhan Singh, R/o. villate Rampura, Post Samkeda, Raigarh, CG.

7) Nanki Babu Sidar, s/o. Shri Nanhar Sidar, r/o. Amli Bhona, PO Taprada via Kodatarai, Raigarh, CG.

8) Rajendra Kumar Chauhan, s/o. Shri Laxman Prasad, r/o. vill- Jevridih, Post Bade Bhandar, Raigarh, CG.

9) Ganesh Ram Mehar, s/o. Makardehwaj, Vill- Chitapali, Post Bhojiya (Chhal) Tehsil Dharamjayagarh, Raigarh, CG.

10) Adhar Ram Sidar, Vill- Bagdega, Post Tiur (Jhardih) Tehsil Kharsia, Raigarh, CG.

11) Mahesh Kumar Sav, s/o. Shri Sashidhar Sav, Vill Bade Hardi, Post Pussore, Raigarh, CG.

12) Smt./ Rahmatunnisa, w/o. Shri Jaffar Hussain, Nawagadi, Madhuvanpura, Raigarh, CG.

PRESENT: Shri V.V.S. Murthy, Dy. Advocate General for appellants/State.

ORAL ORDER
(Passed on 23rd March 2007)

The following oral order of the Court was passed by **H.L. Dattu, CJ.**

This appeal arises out of an order passed by the learned Single Judge in W.P.No.1792/2005 dated 11-7-2006. By the impugned order, the learned Single Judge has allowed the writ petition and has set aside the orders passed by the respondents (appellants herein) dated 4-10-1997.

2) The factual matrix of the case is as under :

The respondents herein were the petitioners before the learned Single Judge. They were appointed on various posts by the appellants. They were also paid a particular pay scale. Being of the view that the pay scale so fixed to the respondents is irregular and illegal, the appellants by issuing notice dated 4-10-1997 have

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withdrawn the pay scale that was granted to the respondents. Aggrieved by that action of the appellants, the respondents were before this Court in W.P.No.1792/2005.

3) Learned Single Judge applying the principles of natural justice has allowed the writ petition and that is how the appellants are before us in this writ appeal.

4) Admitted facts are, that the respondents herein were appointed by the appellants. Their pay scale had been fixed. According to the pay scale so fixed, the respondents were being paid the salary for number of years. By virtue of this, they have got vested right and that vested right can be taken away by the appellants by following the procedure prescribed and also applying the principles of natural justice.

5) In the instant case, an order is passed by the appellants on 4-10-1997 withdrawing the pay scale fixed to the respondents and this has been done without issuing show cause notice to the respondents. This, in our opinion, is in violation of the principles of natural justice, and therefore, learned Single Judge was justified in allowing the writ petition and setting aside the order dated 4-10-1997 passed by the appellants. In view of the above, we do not find any lacuna or any error in the order passed by the learned Single Judge. Accordingly, the writ appeal is rejected without reference to the respondents. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
V.K.Shrivastava
Judge